

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DEANTHONY A. NASH,

Petitioner,

v.

Case No. 08-CV-202

RANDALL R. HEPP,

Respondent.

ORDER

On March 7, 2008, petitioner DeAnthony A. Nash ("Nash") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his October 5, 2005 conviction of first degree sexual assault of a child. Nash pled no contest to the charged offense in Milwaukee County Circuit Court, and he is currently confined at the Jackson Correctional Institution. Nash has previously filed petitions under § 2254, thereby making his current petition successive as the Rules Governing Section 2254.

Under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), a district court may not consider a second or otherwise successive § 2254 petition unless the prisoner has previously obtained authorization from the appropriate court of appeals. Section 2244(b). If a prisoner files a successive § 2254 petition in a district court without having obtained such authorization, the court must dismiss it for want of subject matter jurisdiction. *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996). Nash has filed a motion for an order authorizing a successive petition, but

the Seventh Circuit denied his motion on July 16, 2008. Furthermore, the Seventh Circuit imposed a \$500.00 sanction upon Nash pursuant to its previous decisions in *Alexander v. United States*, 121 F.3d 312 (7th Cir. 1997) and *Support Sys. Int'l v. Mack*, 45 F.3d 185 (7th Cir. 1995). Clearly, this court has no jurisdiction to consider Nash's current petition and it must be dismissed.

Accordingly,

IT IS ORDERED that Nash's petition pursuant to 28 U.S.C. § 2254 be and the same is hereby **DISMISSED** for want of jurisdiction;

IT IS FURTHER ORDERED that Nash's Motion for Release (Docket #15) and Motion to Change Caption (Docket #17) be and the same are hereby **DENIED** as moot.

The Clerk of Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 24th day of July, 2008.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller
U.S. District Judge